

**IN THE CRIMINAL COURT FOR DAVIDSON COUNTY, TENNESSEE**

**EN BANC**

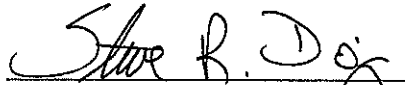
**IN RE: Processing of Expungements in Criminal Court**

Effective as of the date of this document, all applications for expungements of records pursuant to T.C.A. § 40-32-101 in the Trial Courts of Davidson County, Tennessee shall be processed as follows:

1. All applications for expungement of records shall be made by use of the "ORDER FOR THE EXPUNGEMENT OF CRIMINAL OFFENDER RECORD" form promulgated by the Administrative Office of the Courts (AOC).
2. The Criminal Court Clerk is responsible for assuring that all Orders for Expungement are signed by the defendant or counsel and by an Assistant District Attorney General prior to submission to the trial judge.
3. In the event the District Attorney's office opposes the expungement, the matter shall be docketed for hearing, including requests for partial expungement.
4. A trial judge, in his or her discretion, may require that all expungements be docketed for review, or may review them administratively in chambers, where the Orders have been signed by both the State and the defendant or counsel.
5. As the entitlement to expungement of records is not an ex parte matter, the Clerk shall not process any Order that does not contain the signatures of both the State's representative and the defendant or counsel.
6. Records will be expunged without cost on charges that have been dismissed or nolle prossed.
7. The Tennessee Supreme Court has ruled that, in cases where a not guilty by reason of insanity judgment has been entered, the defendant is not entitled to expungement of the case record as, in such cases, the possibility exists for further proceedings. State v. Jennings, 130 S.W. 3d 43 (Tenn. 2004).
8. The Clerk is directed to maintain a copy of each expungement order as a non-public record.
9. The Office of the District Attorney General shall be responsible for insuring that expungements are reviewed expeditiously and approved for entry unless the State

believes grounds exist for denial, in which case the matter will be docketed for hearing, including the contest of partial expungements.

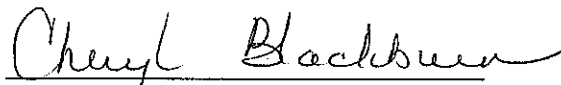
10. For offenses committed on or after May 22, 2003, a defendant who has been convicted of any offense or charge in a case, including a lesser included offense or charge, is not entitled to expungement of the indicted offense for that count.



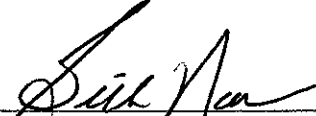
Honorable Steve Dozier, Judge  
Criminal Court, Division I



Honorable J. Randall Wyatt, Judge  
Criminal Court, Division II



Honorable Cheryl Blackburn, Judge  
Criminal Court, Division III



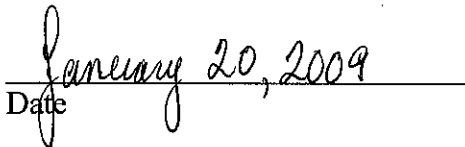
Honorable Seth Norman, Judge  
Criminal Court, Division IV



Honorable Monte D. Watkins, Judge  
Criminal Court, Division V



Honorable Mark J. Fishburn, Judge  
Criminal Court, Division VI



Date